

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

APPELLANT'S REPLY BRIEF ON APPEAL

Application No.: 10/616,716

Applicant: Momoe Adachi

Filed: July 10, 2003

Title: BATTERY

Examiner: LEE, CYNTHIA K.

Group Art Unit: 1795

Confirmation No.: 2623

Customer No.: 26263

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Appellants submit herewith Appellants' Reply Brief on Appeal in response to the Examiner's Answer mailed on December 2, 2008.

The Commissioner is hereby authorized to charge any deficiency in fees associated with this communication or credit any overpayment to Deposit Account No. 19-3140. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

By: /David R. Metzger/
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Dear Sir:

This Reply Brief on Appeal is submitted in response to the Examiner's Answer mailed December 2, 2008 and in support of an appeal from a Final Office Action of December 28, 2008.

I. STATUS OF CLAIMS:

Claims 1-5 and 7-19 are pending in the application. Claims 6, 20 and 21 are canceled.

The present appeal is directed to claims 1-5 and 7-19, which were finally rejected in an Office Action dated December 28, 2007.

A copy of claims 1-5 and 7-19 is appended hereto as the Claims Appendix.

The status of the claims on appeal is as follows:

- A) Claims 1-5, 7-11, 13-16, and 18-20 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Kawakami* (US 6,949,312) in view of *Fujita* (WO 01/22519) and *Iwamoto* (WO 00/33403).
- B) Claim 12 is rejected under 35 U.S.C. §103(a) as being unpatentable over *Kawakami* in view of *Fujita* and *Iwamoto* as applied to claim 1, further in view of *Morigaki* (US 2002/0061448).
- C) Claim 17 is rejected under 35 U.S.C. §103(a) as being unpatentable over *Kawakami* in view of *Fujita* and *Iwamoto* as applied to claim 1, further in view of *Yoshioka* (US 2001/0005558).

II. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL:

The following grounds of rejection are to be reviewed on appeal:

- A) Claims 1-5, 7-11, 13-16, and 18-20 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Kawakami* (US 6,949,312) in view of *Fujita* (WO 01/22519) and *Iwamoto* (WO 00/33403).
- B) Claim 12 is rejected under 35 U.S.C. §103(a) as being unpatentable over *Kawakami* in view of *Fujita* and *Iwamoto* as applied to claim 1, further in view of *Morigaki* (US 2002/0061448).
- C) Claim 17 is rejected under 35 U.S.C. §103(a) as being unpatentable over *Kawakami* in view of *Fujita* and *Iwamoto* as applied to claim 1, further in view of *Yoshioka* (US 2001/0005558).

VII. ARGUMENT:

In the Examiner's Answer of December 2, 2008, the Examiner does nothing more than reiterate the arguments previously made in the Final Office Action of December 28, 2007. Therefore, the Applicant's refer to the arguments made in the Appeal Brief filed on September 9, 2008, in response to the Examiner's Answer.

VIII. CONCLUSION:

For the foregoing reasons, Appellant respectfully submits the rejections posed by the Examiner are improper as a matter of law and fact. Accordingly, Appellant respectfully requests that the Board reverse the rejections of claims 1-5 and 7-19.

Respectfully submitted,

/David R. Metzger/

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